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10/530,635	10/28/2005	George C Konstantakis	550637.90018	7503

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EXAMINER	
LUGO, CARLOS	

ART UNIT	PAPER NUMBER
3676	

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09/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/530,635

Applicant(s)

KONSTANTAKIS ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. The applicant establishes that the current application is a 371 of PCT US03/31608 with a filing date of October 6, 2003, which claims benefit of 60/416684 and 60/431355.

However, it should be 60/431335, since the 60/431355 is drawn to a different invention of a different applicant. Therefore, correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lever stop element (if is not element 40) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because of the phrase "lever type handles". Correction is required. See MPEP § 608.01(b).
4. The specification is objected to because of the following informalities:
  - Paragraph 0001 Line 2, change "60/431,355" to -60/431335-.

Appropriate correction is required.

### ***Claim Objections***

5. **Claims 1,2,8,10, and 13-17 are objected** to because of the following informalities:
  - Claim 1 Line 1, change "lock for door mechanisms" to -lock on a door mechanism-.
  - Claim 1 Line 9, change "at least one connecting element having a first end attached to the fulcrum" to -connecting elements, each having an end attached to the fulcrum-.
  - Claim 1 Line 12, change "whereby a force of rotation of the lever in an unlocking direction may be conducted by the lever stop element through the fulcrum element against the shaft and through the connecting element to the stationary door structure" to -whereby, a force of rotation of the lever in an

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unlocking direction is conducted by the lever stop, through the fulcrum element, to the connecting elements to interfit with the stationary door structure in order to prevent opening of the door lock mechanism-.

- Claim 2 Line 2, change "element is sized" to -elements are sized-.
- Claim 8 Line 1, change "wherein the connecting element" to -wherein one of the connecting elements-.
- Claim 10 line 1, change "wherein the connecting element is an arm and includes" to -wherein the connecting elements are arms, wherein one of the arms includes-.
- Delete claims 13 and 14.
- Claim 15 Line 2, change "and connecting element" to -and the connecting elements-.
- Claim 16 Line 2, Claim 1 Line 14, change "element" to -elements-.
- Claim 17 Line 1, change "lock for door mechanisms" to -lock on a door mechanism-.
- Claim 17 Line 11, change "in an unlocking" to -in the unlocking-.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

- The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. **Claims 1-16 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites that the child safety lock comprises at least one connecting element.

However, it is unclear of how the safety lock would work with only one connecting element. As seen in the specification and in the drawings, the device uses 2 connecting elements (64,68) so that movement of the lever in either direction would be prevented.

If the device has only one, then it is unclear how it would prevent movement of the lever in both directions.

Further, the current specification and drawings has no support for a device where requires only one connecting element.

Therefore, in order to continue with the examination, the limitation would be examined as having connecting elements, each connected to the fulcrum. By this interpretation, claims 13 and 14 would not be considered since the limitations would be considered in claim 1. Appropriate correction is required (see claim objection section above).

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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9. **Claims 1-18 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the instant, the claims are directed to a child safety lock. However, the limitations of the door mechanism are positively recited. Then, it is unclear if the applicant is trying to claim the child safety lock with the door mechanism or just the safety lock. Therefore, in order to continue with the examination, the claims would be examined as to the safety lock with the door mechanism (see claim objection section above).

Also, it is unclear what element is the "lever stop element". The applicant discloses in claims 11 and 12 that the lever stop element is a loop. The only stop members disclosed in the application is the molded stop 52 and the stop plate 56. None of these elements engage a portion of the handle.

The only "stop" surface interacting with the lever is the opening 42 of the cage 40.

The applicant is required to use constant terminology between the specification and the claims so an ordinary skill in the art could read and understand the invention claimed. Therefore, in order to continue with the examination, the term would be examined as a lever stop element (element 40) and claims 11 and 12 would not be considered until further explanation since it is unclear to which loop is the applicant referring.

Further, it is unclear what the applicant is trying to claim by the limitation “whereby a force of rotation of the lever in an unlocking direction may be conducted by the lever stop element through the fulcrum element against the shaft and through the connecting element to the stationary door structure”. Therefore, in order to continue with the examination, the limitation would be given a broad interpretation (see claim objection section above).

Finally, the applicant recites the limitation “a releasable catch” in claim 17. It is unclear to what catch the applicant is referring. As seen in the specification and in the drawings, the catch is element 78. However, this catch is not releasable, is static. Therefore, in order to continue with the examination, the limitation would be given a broad interpretation.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claim 17 is rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,798,069 to DeForrest.

DeForrest discloses a safety lock comprising a lever stop element (26) engaging a portion of the lever (38), a catch (20) and a collar assembly (28).

The collar assembly is attached to the shaft (46) of the lever and in communication with the lever stop element through the catch.



A force of rotation of the lever in an unlocking direction may be conducted by the lever stop element to the collar attachment to the stationary door structure when the catch is in an engaged state, so that a force of rotation of the lever in an unlocking direction may freely move the lever stop when the catch is in a disengaged state.

***Allowable Subject Matter***


12. **Claim 1 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, set forth in this Office action.
13. **Claims 2-12,15 and 16 would also be allowed** because the claims depend from claim 1 (see 112 rejection and claim objection section).
14. **Claim 18 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
15. At the instant, the prior art fails to disclose the invention has claimed in claim 1 which requires a safety door lock on a door mechanism that comprises a lever stop element, a fulcrum element, connecting elements attached at ends of the fulcrum element, so when a force of rotation of the lever in an unlocking direction is conducted by the lever stop, through the fulcrum element, to the connecting elements, the connecting element would interfit with the stationary door structure in order to prevent opening of the door lock mechanism (claim 1) and that the lock further comprises space filling elements that conform to shafts of different diameter (claim 18).

**Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Carlos Lugo  
Primary Examiner  
Art Unit 3676

September 14, 2007.